

LS - 3806

OGC Has Reviewed

THROUGH :

Acting Chief, Fiscal Division
Comptroller
Office of General Counsel

12 April 1954

Entitlement of [REDACTED] to Transportation of Motorized Bicycle Paid by the Government 25X1A9a

REFERENCE :

Your Memorandum dated 1 April 1954

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1. In your memorandum you requested an opinion of this office as to whether [REDACTED] is entitled to having his motorized bicycle transported from [REDACTED], at Government expense. The issue posed is whether or not such a bicycle may be considered as an item of "household" or "personal effects," within the meaning of section 5(a)(1)(C), or, by implication, as an "automobile" within the meaning of section 5(a)(4), of the Central Intelligence Agency Act of 1949. In your memorandum you directed our attention to an unpublished decision of the Comptroller General, B-88687, dated 29 December 1949, in which the holding was that a motorized bicycle cannot be considered as an item of "household goods when shipped in less than carload shipments."

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2. The motorized bicycle shipped by [REDACTED] was a "'New Hudson' bicycle to which a 'Minimotor' friction engine had been attached above the rear wheel at time of shipment." It was not shipped as part of a carload of [REDACTED] effects. Subsequent to the arrival of this bicycle, with the motor attached, in [REDACTED], we are advised that [REDACTED] detached the motor and traded it for a radio. His request that the cost of the shipment of the article be borne by the Government was honored by the Disbursing Officer in [REDACTED]; and the Chief of the [REDACTED], [REDACTED] sustained the Disbursing Officer. However, the Chief of the Fiscal Division, in view of the Comptroller General's decision referred to above, has dishonored the claim and taken the position that the cost of this shipment, in the amount of fifty-two dollars and seventy-five cents (\$52.75), be borne by [REDACTED].

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3. The Comptroller General Decision referred to is based on the practice among common carriers of classifying an item of this nature as a motorized bicycle for purposes of shipment, not as an item of household goods. This office has conducted an informal check with rail and steamship offices in the Washington area and is apprised that such a practice is the prevailing one in the industry. This check further revealed that neither can such an item as a motorized bicycle be included among one's personal effects for purposes of shipment. Additionally we are informally advised by the GAO that motorized bicycles are not considered to fall within the meaning of the CIA Act of 1949, if shipped in less than a carload of household goods or personal effects.

4. As an aside, and for your information, a "Minimotor" is a one-half horse power gasoline engine which is attachable to the rear wheel of an ordinary bicycle to serve as a substitute for the leg power of the rider. We are so advised by the College Park Cycle & Sport Shop, College Park, Maryland (5010 Berwyn Road; Tower 9-5880). Should there be any doubt as to the operative effect of attaching such a motor to a bicycle, it seems clear that such an attachment would render an ordinary bicycle either a motor bicycle or a motorized cycle, depending upon which term you wish to use, if not a motorcycle.

5. Section 5(a)(4) of the Central Intelligence Agency Act specifically provides for the shipment of a "privately owned automobile" of an employee of this Agency in certain circumstances not relevant here. Whatever might have been the thinking behind this statute which resulted in restricting its terms to that of an automobile, as opposed to an automobile or means of conveyance, it was so restricted and this term begs of no enlargement or definition which could include the type of vehicle here under discussion.

6. From the above, it is the opinion of this office that the bicycle with the motor attachment shipped at Government expense from [REDACTED] by Mr. [REDACTED] should have been shipped, if at all, at his private expense. There follows that appropriate administrative action should be undertaken looking to the reimbursement of the Government in the amount of fifty-two dollars and seventy-five cents (\$52.75).

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Attachment
Subject file

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